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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,872	02/20/2004	Hiroyuki Kimura	723-1473	5125
27562	7590	12/13/2006	EXAMINER	
NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/781,872

Applicant(s)

KIMURA ET AL.

Examiner

Kim T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-7 and 9-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/15/06.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 9/29/06. According to the amendment, claims 2 and 8 have been canceled, claims 13-14 have been added, and claims 1, 3-7 and 9-14 are pending in the application.

### ***Claim Objections***

1. Claims 1, 7 and 14 are objected to because of the following informalities:
  - a) In claim 1, line 7, the claimed limitation "operation data" should be corrected to "the supplied operation data".
  - b) In claim 1, line 10; and claim 7, lines 8-9, the claimed limitation "background image of the game screen" should be corrected to "background image displayed on the game screen".
  - c) In claim 1, line 18, the claimed limitation "the updated object data; and" should be corrected to "the updated object data;"
  - d) In claim 1, lines 20-21, the claimed limitation "the game objective, (next line) further comprising:" should be corrected to "the game objective; and"
  - e) In claim 14, line 6, the claimed limitation "supplied operation data" should be corrected to "received operation data".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-7 and 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 1, line 16, the claimed limitation “the operation data” is ambiguous. It is not clear if “the operation data” refers to the “operation data” in line 7, or the “predetermined operation data” in line 14.

b) In claim 7, line 14, the claimed limitation “the operation data” is ambiguous. It is not clear if “the operation data” refers to the “operation data” in line 6, or the “predetermined operation data” in line 11.

c) In claim 13, line 11, the claimed limitation “the operation data” is ambiguous. It is not clear if “the operation data” refers to the “received operation data” in lines 5-6, or the “predetermined operation data” in line 10.

d) In claim 14, line 6, the claimed limitation “the player character” lacks of antecedent basis.

e) In claim 14, line 13, the claimed limitation “the operation data” is ambiguous. It is not clear if “the operation data” refers to the “supplied operation data” in line 6, or the “predetermined operation data” in line 11.

f) In claim 14, last line, the claimed limitation “the game objective” lacks of antecedent basis.

g) The remaining claims are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1, 3-7 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka (US 6,267,676) in view of Fgodmom (XP-002283769-Techniques and Play) and Mycom Basic Magazine (Hole on Wall game).**

Claims 1 and 6: Nagaoka discloses a game machine comprising a controller for supplying operation data in response to an operation by a player (col. 6, lines 4-6 and 13-23); player character displaying programmed logic circuit for moving and displaying the player character in accordance with operation data from the operating means (col. 7, lines 43-67 and col. 8, lines 1-9); background image generating programmed logic circuit for generating background image of the game screen (col. 1, lines 55-57). Nagaoka does not disclose a copying programmed logic circuit, a copy object image generating programmed logic circuit, a deciding programmed logic circuit, and a copy number restricting programmed logic circuit that restricts the number of times the background character can be copied. However, Fgodmom discloses copying means for generating object data of a copy object and copy object image generating means for updating the object data (page 12, item 9; page 13, item 11; and page 4,

section Ladders). Further, since Fgodmom discloses requiring the player character to take exactly seven pennies in order for the Door ad Gold Coin to appear (page 3, section Pennies), Fgodmom obviously encompasses including a deciding means for deciding whether the player character has attained the game objective (e.g. seven pennies); and since Mycom Basic Magazine discloses restricting the number of times the character can be appeared/copied on the wall (Section Rules of the game), Mycom Basic Magazine obviously encompasses including a copy number restricting programmed logic circuit that restricts the number of times the background character can be copied. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the copying means, copy object image generating means, deciding means, and a copying number restricting means as taught by Fgodmom and Mycom Basic Magazine to the game machine of Nagaoka in order to facilitate generation of game images and to allow the player to ascend to the next level of the game.

Claims 3-5: since Fgodmom discloses mounting the copy object on a predetermined background character (page 12, item 9), and Nagaoka discloses detecting if the object has been placed adjacently to an upper portion of a background character and generating the background character (col. 10, lines 18-21 and col. 13, lines 15-17), Fgodmom and Nagaoka obviously disclose the copy object placement detecting means and mount converting means as claimed.

Claims 7 and 9-14: refer to discussion in claims 1 and 3-6 above.

***Response to Arguments***

6. Applicant's arguments filed 9/29/06 have been fully considered. Due to the submission of information disclosure statement under 37 CFR 1.97 on 8/15/06, the objection of dependent claims 2 and 6 has been withdrawn. A new ground(s) of rejection is made in view of Nagaoka (US 6,267,676), Fgodmom (XP-002283769-Techniques and Play) and Mycom Basic Magazine (Hole on Wall game).

7. Applicant's submission of an information disclosure statement under 37 CFR 1.97 on 8/15/06 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

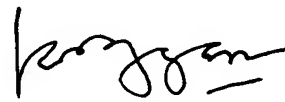
(571) 273-8300, (for formal communications; please mark  
"EXPEDITED PROCEDURE")

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: November 30, 2006

  
Kim T. Nguyen  
Primary Examiner  
Art Unit 3714